

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LARRY GOLDEN,  
Plaintiff,  
  
v.  
  
APPLE, INC.,  
Defendant.

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Case No. 22-cv-04152-VC

**ORDER GRANTING MOTION TO  
DISMISS**

Re: Dkt. No. 12

The motion to dismiss is granted. The claims asserted in the complaint are frivolous. Even if they were not frivolous, Golden’s patent infringement claims against Apple are barred by issue preclusion because they have been fully litigated and decided. *See Golden v. United States*, 156 Fed. Cl. 623 (Fed. Cl. 2021), *aff’d*, *Golden v. United States*, No. 13-cv-00307, 2022 WL 4103287 (Fed. Cir. Sept. 8, 2022). And Golden’s antitrust allegations fail to state an even remotely plausible claim. Golden does not (and cannot) plausibly allege a conspiracy or an injury “of the type the antitrust laws were intended to prevent.” *City of Oakland v. Oakland Raiders*, 20 F.4th 441, 456 (9th Cir. 2021).

The complaint is dismissed without leave to amend. Golden has been pressing these frivolous claims (or some variation thereof) for nearly 10 years in multiple jurisdictions. This is the rare case where dismissal without leave to amend is appropriate at the outset.

**IT IS SO ORDERED.**

Dated: October 20, 2022

  
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VINCE CHHABRIA  
United States District Judge